

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE:

KINGDOM OF BELGIUM,
FEDERAL PUBLIC SERVICE FINANCE
PENSION PLAN LITIGATION

Lead Case: No. 21 Civ. 6392 (JGK)

Member Cases:

No. 21 Civ. 6392 (JGK)

No. 21 Civ. 6399 (JGK)

No. 21 Civ. 6402 (JGK)

No. 21 Civ. 6404 (JGK)

No. 21 Civ. 6405 (JGK)

No. 21 Civ. 6407 (JGK)

No. 21 Civ. 6408 (JGK)

**DEFENDANTS' NOTICE OF MOTION TO CERTIFY THE COURT'S JULY 5, 2023
ORDER FOR INTERLOCUTORY APPEAL AND TO STAY FURTHER
PROCEEDINGS PENDING INTERLOCUTORY APPEAL**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law and all other pleadings and proceedings had herein, Defendants will move this Court, before the Honorable John G. Koetl, for an Order under 28 U.S.C. § 1292(b) amending the Court's July 5, 2023 Order on Defendants' Motion to Dismiss in order to certify the July 5, 2023 Order for interlocutory appeal to the United States Court of Appeal for the Second Circuit based on the following question:

Whether the district court lacks subject matter jurisdiction under the Revenue Rule to entertain claims from a foreign sovereign seeking to recover money paid out by the relevant foreign tax administrative agency as tax refunds upon receipt and approval of requests for tax refunds, where those requests were purportedly fraudulent.

Defendants further request that this Court stay all proceedings in this Court until the Second Circuit resolves this interlocutory appeal.

Dated: July 26, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on July 26, 2023, I caused the attached Notice of Motion to Certify the Court's July 5, 2023 Order for Interlocutory Appeal and to Stay Further Proceedings Pending Interlocutory Appeal to be served via electronic mail on all counsel of record in the above-captioned cases.

Dated: July 26, 2023

Respectfully submitted,

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